Exhibit D

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

UMB BANK, N.A., as Trustee,

Plaintiff,

Case No.

15 Civ. 08725 (GBD)

vs.

SANOFI,

Defendant.

VIDEOTAPED DEPOSITION OF RICHARD CHIN, M.D.

Redwood Shores, California

Monday, March 11, 2019

REPORTED BY:

CYNTHIA MANNING, CSR No. 7645, CLR, CCRR

JOB NO. 156491

I -- let me see. So baseline EDSS. I'm trying to remember. You know, that could be several different analyses. So I don't remember which analyses were sent in. Typically, if you don't -- there might have been. I -- yeah, it may not --

Q. You don't recall?

A. Yeah.

Q. Okay. Paragraph 32. You state that:

"The failure to remove all reasonably identifiable potential sources of bias through statistical analysis is inconsistent with how pharmaceutical companies normally conduct the most basic clinical trial analyses and submission."

And I just want to make sure I understand you.

Are you suggesting -- or are you saying here that companies are ordinarily successful at eliminating bias in their submissions?

A. What I'm saying is they try their best to eliminate the bias.

Q. And just because you address a source of bias does not necessarily mean that it will be persuasive with the FDA?

A. Correct.

confidence in the drug.

Q. Okay. In 140, you indicate that:

"When FDA revoked fast track, Sanofi should have initiated either a disability verification study or a PPMS study"?

A. Yes.

Q. Now, fast track is not necessary to get approval; right?

A. Correct.

Q. Okay. And PPMS would be a new indication; correct?

A. Yes.

Q. That would not be data that would be supportive of the ongoing file under review --

MR. MINTZ: Objection to form.

BY MR. D'ALOIA:

Q. -- correct?

MR. MINTZ: Objection to form.

THE WITNESS: That would not -- can you repeat that?

BY MR. D'ALOIA:

Q. That would not be -- withdrawn. Let me rephrase.

Data from a PPMS study would not be supportive of the ongoing file under review;

correct?

MR. MINTZ: Objection to form.

THE WITNESS: It might have. It depends on when the data was available. But I think that it's just the fact that they started a PPMS study, I think, would have signaled to the FDA that the sponsor had confidence in the product, and it might have affected the review.

BY MR. D'ALOIA:

Q. So you're suggesting that when sponsors signal confidence in their product, that the chances of approval are increased?

MR. MINTZ: Objection to form.

THE WITNESS: They can. Yes.

BY MR. D'ALOIA:

Q. Again, but the more money a sponsor throws at clinical trials, the more likely it is that the FDA will approve product?

MR. MINTZ: Objection to form; entirely misstates his prior testimony.

THE WITNESS: So there is a correlation between amount of money you spend on a product and approval, although that's not exactly what I'm saying, yes.

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